

Appl. No. 10/719,263  
Docket No. 9435  
Amdt. dated 2 July 2007  
Reply to Office Action mailed on 2 April 2007  
Customer No. 27752

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## REMARKS

### Claim Status

Claims 1-4 and 7-12 are pending in the present application. No additional claims fee is believed to be due.

### Rejection Under 35 U.S.C. §102(b) Over U.S. 2002/0151859 (Schoelling)

Claims 1 and 7-12 have been rejected under 35 U.S.C. §102(b) as being anticipated by Schoelling.

Applicant respectfully traverses this rejection. The Office Action on Page 2 alleges that Schoelling discloses a tampon (30) for feminine hygiene comprising an insertion end, a withdrawal end, a center region, a longitudinal axis and an outer surface (fig. 1), the tampon being comprised of compressed fibrous material [0009, 0031]; the outer surface (30) of the tampon comprises a plurality of recessed portions (42); each of recessed portions comprising a length dimension and a width dimension wherein the width dimension varies intermittently as measured along the length dimension (figs. 3, 4 (50, 42, 40); and all of the outer surface is liquid absorbing [0083].

Applicant cannot locate any support in the Specification of Schoelling for the assertion that the tampon of Schoelling has a recessed portion wherein the width of the recessed portion varies intermittently as measured along the length dimension. Further, as shown in Figures 1, 3 and 4 of Schoelling the longitudinal grooves and spiral guide ducts (grooves) in the tampon have a constant width dimension as measured along the length of the tampon. Specifically, as shown in Figures 3 and 4 of Schoelling the width dimension of the grooves is constant along the length of the tampon. Figure 4 of Schoelling shows a cross section of the tear shaped grooves with the opposing walls of the grooves the same distance apart, as compared to Figure 4 of the present invention that shows the recessed portions having differing widths along the length of the tampon. Figure 3 of Schoelling does not show different widths of grooves, but rather the opening of the grooves in the insertion end that are otherwise covered by the longitudinal ribs along the body of the tampon. This is supported in Schoelling, "As a result of the fact that the outer ends lying against one another of the side flanks 44 of the adjacent

Page 4 of 6

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longitudinal ribs 40 close to the longitudinal grooves 42 only at the circumferential surface 46 of the tampon 30, the longitudinal grooves 42 form in each case eight closed spiral guide ducts 50 (FIG. 4) which are in each case preferably open only at the insertion end 32 and at the recovery end 34 (the openings at the insertion end 32 are visible in FIG. 3). (Page 3, Paragraph 0039) Therefore, Schoelling does not disclose or teach a tampon wherein the recessed portions have a width dimension which varies intermittently as measured along the length of the tampon.

Accordingly, Applicant respectfully submits that claims 1 and 7-12 are novel over Schoelling.

Rejection Under 35 USC §103(a) Over U.S. 2002/0151859 (Schoelling) in view of U.S. 2003/0151859 (Kollwitz et al.)

Claims 2-4 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Schoelling in view of Kollwitz et al.

Applicant respectfully traverses this rejection. As discussed above with reference to the 35 U.S.C. §102(b) rejection, Applicant cannot locate any support in the Specification of Schoelling for the assertion that the tampon of Schoelling has a recessed portion wherein the width of the recessed portion varies intermittently as measured along the length dimension. Further, as shown in Figures 1, 3 and 4 of Schoelling the longitudinal grooves and spiral guide ducts (grooves) in the tampon have a constant width dimension as measured along the length of the tampon. Specifically, as shown in Figures 3 and 4 of Schoelling the width dimension of the grooves is constant along the length of the tampon. Figure 4 of Schoelling shows a cross section of the tear shaped grooves with the opposing walls of the grooves the same distance apart, as compared to Figure 4 of the present invention, which shows the recessed portion having differing widths along the length of the tampon. Figure 3 of Schoelling does not show different widths of grooves, but rather the opening of the grooves in the insertion end that are otherwise covered by the longitudinal ribs along the body of the tampon. This is supported in Schoelling, "As a result of the fact that the outer ends lying against one another of the side flanks 44 of the adjacent longitudinal ribs 40 close to the longitudinal grooves 42 only at the circumferential surface 46 of the tampon 30, the longitudinal grooves 42 form in each case eight closed spiral guide ducts 50 (FIG. 4) which are in each case preferably open

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only at the insertion end **32** and at the recovery end **34** (the openings at the insertion end **32** are visible in FIG. 3). (Page 3, Paragraph 0039) Therefore, Schoelling does not disclose or suggest a tampon wherein the recessed portions have a width dimension which varies intermittently as measured along the length of the tampon.

Accordingly, Applicant respectfully submits that claims 2-4 are not obvious in view of Schoelling and Kollwitz et al.

#### Double Patenting Rejection


Claims 1-4 and 7-12 have been provisionally rejected on the ground of nonstatutory-obviousness-type double patenting as being unpatentable over claims 1-12 of copending Application No. 10/719,793. Upon notification of allowable subject matter, Applicant will take action to remove the double patenting rejection.

#### Conclusion

This response represents an earnest effort to distinguish the invention as claimed from the applied references. In view of the foregoing, reconsideration of this application and allowance of the pending claims are respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

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